

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Applicants would like to inform the Examiner that the PTO-892 was not included as an attachment to the Office action, mailed March 18, 2003. It is requested that the missing PTO-892 be provided to the applicants.

The claims have been rejected under 35 USC §102(b) as being anticipated by Bottum. Initially, applicants note that Bottum issued January 11, 2000, which is less than one year prior to the August 18, 2000 filing date of the present application. Therefore, is it not prior art under 35 USC §102(b). Moreover, Bottum does not teach downloading means which downloads an application software corresponding with a music data format as recited in claim 1. Bottum relates to the downloading of audio data but says nothing about downloading application software. Bottum provides a converter for converting the audio data to an analog signal, but does not teach downloading application software into the converter. In addition, Bottum does not teach a user selecting the application software as recited in claim 1. The menus in Bottum are used for selecting audio data, not programs. Therefore, the claim is not anticipated because Bottum does not teach every limitation of the claim.

Dependent claims recite further distinguishing limitations. For example, Bottum does not teach simultaneous execution of a plurality of pieces of application software as recited in claim 5. Applicants fail to see how claim 1 of Bottum (cited by the examiner) teach

Appl. No.: 09/642,221
Amdt. Dated: June 11, 2003
Reply to Office action of: March 18, 2003

simultaneous execution.

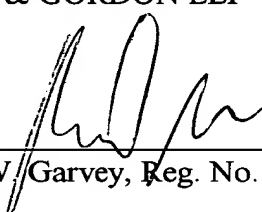
In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32892

Respectfully submitted,

PEARNE & GORDON LLP

By:


Michael W. Garvey, Reg. No. 35878

526 Superior Avenue, East
Suite 1200
Cleveland, Ohio 44114-1484
(216) 579-1700

Date: June 11, 2003